REMARKS

In the Office Action, Claims 1-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,566,353, to Cho et al. (hereinafter "*Cho*"), in view of U.S. Patent No. 5,959,945, to Kleiman et al. (hereinafter "*Kleiman*"). By this amendment, Claims 1-6, 9, 13-15,18, and 21 are amended, Claims 7 and 8 have been canceled, and Claims 23 and 24 have been added. Claims 1-24 are pending in the present application. In view of the amendments above and the remarks provided below, Applicant respectfully asserts that the pending claims are in condition for allowance and requests an allowance of each of the pending claims.

A. Response to §101 Rejections

Examiner has rejected claims 1-9, 11-12, and 14-22 under 35 U.S.C. §101. Examiner alleges that these claims "show a series of steps which are grounded in the abstract idea of, for example, conveying, determining, and completing. The broadly recited steps do not recite sufficient computer structure that are within 'technological arts.' " Applicant respectfully asserts that, as amended with such terms as "display system," "distribution computing device," "automatically," and "electronic network," claims 1-6, 9, 11-12, and 14-24 each sufficiently describe patentable subject matter reciting sufficient computer structure to avoid running afoul of §101. Applicant respectfully asserts that the methods and systems described by the claims have utility in that they provide for the display of multimedia presentation content on a display. Applicant further respectfully asserts that the use of the word "determining" or "determine" is sufficient and definitive in the computing context of the amended claims.

B. The Wheel-Socket Functionality of the *Cho* Reference

The distribution system described in *Cho* uses wheel playlists of video clips and playlist sockets configurations to create the order for what is displayed on a store display. According to *Cho*, "a wheel is a cycle of time that represents the format of what will be shown on the televisions in stores. For example, if the wheel cycle is three hours, then every three hours the display would repeat itself." (*Cho*, col. 10, lines 12-15). "[A] template for a 30 minute wheel

playlist may begin with a commercial clip, then a news clip, then a fact clip, then another commercial clip, etc." (*Cho*, col. 13, lines 2-4). To establish a lengthy play cycle, multiple wheels are used: "Multiple wheels per day allow the system to establish playlists for the entire day." (*Cho*, col. 10, lines 17-18). Further, with regard to the playing of multiple wheels, *Cho* states that "Playlist sockets are places where a wheel can be placed." (*Cho*, col. 12, lines 39-40). Accordingly, "Each store site has its own number of sockets. For example, if a store is displaying 30 minute wheels of playlists for 18 hours (all the store's open hours), the store has 36 sockets which must be filled with wheels of playlists." (*Cho*, col. 12, lines 50-54).

It is inherent that by ordering of video clips using a wheel playlist / socket configuration as in *Cho*, once a wheel playlist has started to be displayed that wheel must complete its entire playlist of video clips at least once before another wheel playlist can occupy the display. Thus, the system disclosed by *Cho* is limited in its timing of displaying particular video clip content by the length of it's wheel playlist. In other words, a wheel's start time is dependent on the length of the wheel displayed before it. Therefore, the second wheel cannot start to be displayed until the first wheel has completed displaying.

C.   Response to 103(a) Rejections

In the most recent Office Action, the Examiner alleges that the *Cho* reference's use of a wheel playlist-socket concept teaches the use of a scheduling file. As presently amended, Independent Claims 1, 9, 13, 14, 18, and 23 recite that **scheduling files include time data** and that presentations are based both **time data and position data**. Applicant respectfully asserts that *Kleiman* or *Cho*, either alone or in combination, does not disclose, teach, or suggest this limitation, and therefore, fails to establish a *prima facie* case for obviousness. See MPEP 2142. Unlike the limited functionality of the wheel playlist-socket concepts of *Cho*, the present claims refer to scheduling files, which can specify not only the sequence of displaying multimedia presentations, but also use time data to specify exactly when to play presentation content and use position data to specify exactly where on the display to place particular presentation content.

As discussed above, in the *Cho* reference, a wheel's display start time is dependent on the length of the wheel displaying before it. Thus, the second wheel cannot start to be displayed

until the first wheel has completed displaying. The currently amended claims are not bound by such limitations. As currently stated in the amended claims, the scheduling file's use of time data is not dependant of the length of the presentation being displayed. In other words, unlike *Cho*, the scheduling file of the amended claims is not at the mercy of the length of its shortest presentation. "Beginning at the specified start time, the display system will play the selected multimedia presentation until the start time for the next multimedia presentation occurs." *See* Specification paragraph [0044]. Therefore, through the use of time data, a scheduling file can begin one presentation, which can be played in whole or in part before being interrupted by the scheduling file to play different multimedia content at a specific time designating by the time data in the scheduling file. This functionality allows for presentation interruption, presentation splicing, etc. The use of time data also provides a more robust and simplified way to schedule presentations without the drawbacks and limits a wheel playlist - socket configuration.

Further, the amended Claims require the use of position data, a concept that is neither suggested, taught, or motivated by either *Cho* or *Kleiman* individually or in combination. The amended claims require that the display of presentations using position data, which allows the presentation content to be placed in specific areas on the display, rather than occupy the entire display at one time. For instance, a particular piece of content may be displayed only in the left upper corner of a display. The use of time data and position data enables the display of multiple simultaneous presentations, where each may be scheduled to begin at overlapping times and positioned in different locations on the display. The wheel playlists and sockets described in *Cho* do not teach, suggest, or motivate such functionality. The *Cho* references mentions nothing about positioning on the display, and certainly does not teach, suggest, or motivate one to include such functionality through its use of wheel playlists and sockets. Applicant's specification provides examples of the scheduling file formats, where such examples included position data referenced as coords:[x, y]. *See* Specification paragraph [0020 and 0033]. Further, the positioning functionality is discussed and shown with reference to Figure 21 in the Specification. *See* Specification paragraph [0051] and Fig. 21.

As shown in Fig. 21, presentation content such as an image of French Fries, and text boxes (e.g., "Why Not Add," "For Only," etc.) can be positioned in various locations on the

display according to the position data provided by the scheduling file. "In practice a presentation defined by a director template file may include many content element types displayed at different times and positions." *See* Specification paragraph [0054].

The Examiner has further cited *Kleiman* for its ability to request the downloading for new music for a jukebox over a network. As *Kleiman* is a jukebox, the order of the songs is determined by the operator of the jukebox, not from information included with the automatic retrieval of music from the central storage location. Thus, *Kleiman* does not teach, suggest, or motivate the use of a scheduling file and certainly does not teach the use of a scheduling file using time data and the display of presentations using time data and position data.

D.   Allowable Subject Matter

For the above stated reasons, Applicant respectfully submits that *Cho* in view of *Kleiman* does not teach or suggest all of the features of the present claims. Because *Cho*, in view of *Kleiman*, does not teach or suggest all of the features of Claim 1, independent Claim 1 is allowable. Dependent Claims 2-6, and 22 are therefore allowable as a matter of law.

As each amended independent claim requires a scheduling file including time data and position data, independent Claims 9, 13, 14, 18 and 23, along with the claims which depend from those independent claims respectively, are allowable for the same reasons discussed above in regards to Claim 1, and further in view of the novel features recited therein.
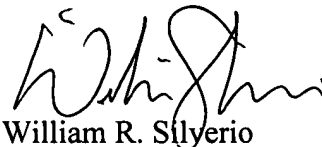
Additionally newly added Independent Claim 23 also includes the step of modifying the scheduling file through its use of data external to the display system. *Kleiman* or *Cho*, either alone or in combination, also does not teach, suggest, or motivate such use of external data.

CONCLUSION

In view of the amendments and remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.
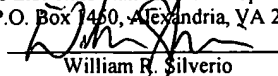
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I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on March 14, 2005, with sufficient postage as first-class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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